

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

MACTEC, INC.,)	
)	
Plaintiff,)	
)	
v.)	No. 3:05-CV-340
)	(Phillips/Shirley)
BECHTEL JACOBS COMPANY, LLC,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the undersigned pursuant to an Order of Reference [Doc. 5], for disposition of the Defendant Bechtel Jacobs Company's Motion to Expedite Hearing [Doc. 3] and Motion Pursuant to Rule 26 [Doc. 4].

The Court **GRANTED** the Motion to Expedite Hearing [Doc. 3] and conducted a hearing on August 17, 2005. At that time, the Court withheld ruling on the matter in order to allow the parties to meet and confer on a plan to conduct testing. A telephone conference was held September 7, 2005, at which time the parties advised the Court that they required additional time to work on a mutually agreeable testing plan. The defendant has since advised the Court that the parties have agreed upon the terms of the proposed testing, and that it intends to withdraw the Motion Pursuant to Rule 26 [Doc. 22].

As the parties have resolved their discovery dispute, the Defendant's request to withdraw its motion [Doc. 22] is **GRANTED** and the Defendant's Motion Pursuant to Rule 26 [Doc. 4] is deemed **WITHDRAWN**.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge